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**UNITED STATES DISTRICT COURT**  
SOUTHERN DISTRICT OF CALIFORNIA

2008 MAY -5 AM 10:53

UNITED STATES OF AMERICA

**Plaintiff**

v.

**Carlos FELIX-LOPEZ**  
**AKA: Muriel, Gaspar Emiliano**

**Defendant**

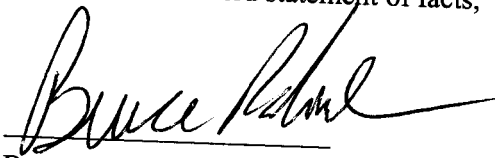
) **Magistrate Docket No.**  
)  
) **'08 MJ 1400**  
)  
) **COMPLAINT FOR**  
) **VIOLATION OF:**  
) **TITLE 18 U.S.C. § 1544**  
) **Misuse of Passport (Felony)**  
)  
)  
)

The undersigned complainant, being duly sworn, states:

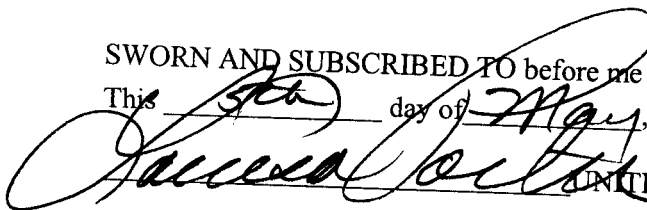
On or about May 2, 2008, within the Southern District of California, defendant Carlos FELIX-LOPEZ did knowingly and willfully use a passport issued or designed for the use of another, to wit: Defendant presented US passport number 037599572, issued to Gaspar Emiliano Muriel, knowing full well that he was not Gaspar Emiliano Muriel, and that the passport was not issued or designed for his use.

All in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
Bruce A. Palombo Jr.  
Special Agent  
U.S. Department of State  
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me  
This 5th day of May, 2008.

  
UNITED STATES MAGISTRATE JUDGE

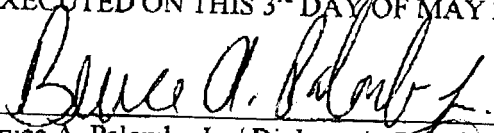
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**PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS**

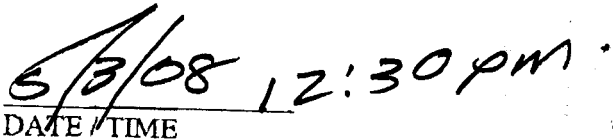
I, Bruce Anthony Palombo Jr., being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Special Agent (SA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for 3 ½ years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.
2. During the performance of my duties, I have obtained evidence that Carlos FELIX-LOPEZ, aka Gaspar Emiliano Muriel, used the passport issued for the use of another. This Affidavit is made in support of a complaint against Carlos FELIX-LOPEZ for violation of Title 18, U.S.C., Section 1544, Misuse of a Passport.
3. On 05/02/08, at approximately 0545 hours, according to a Department of Homeland Security, Customs and Border Protection (CBP) officer, DEFENDANT approached the pedestrian entrance to the San Ysidro Port of Entry. DEFENDANT was asked the normal immigration questions (such as his citizenship, where he was going, any items to declare, etc.) and then DEFENDANT provided a CBP Officer with a U.S. Passport (number 037599572) bearing the name of Gaspar Emiliano Muriel. A CBP officer swiped U.S. Passport number 037599572 through his computer system, and U.S. Passport number 037599572 came back as lost or stolen. DEFENDANT was then escorted to the Security Officer for further inspection.
4. On 05/02/2008, a CBP Officer conducted a secondary inspection of DEFENDANT. During the inspection DEFENDANT'S fingerprints were taken, and revealed that he had an FBI record in the name Carlos FELIX-LOPEZ, 12/19/1982, who is a citizen of Mexico, and had been expeditiously removed April 29, 2008 (3 days prior).
5. On 05/02/2008, at approximately 0900 hours, the DSS San Diego Resident Office Representative was notified by the CBP at the San Ysidro POE of the case. Affiant conducted checks of the US Department of State, US Passport database. Record checks revealed that US Passport number 037599572 had been issued on October 2, 2000, and was reported lost or stolen on February 18, 2008. The photograph and DOB on the passport application did not match the photograph and DOB on the passport presented by DEFENDANT.

6. On the basis of the facts presented in this probable cause statement consisting of 3 pages, there is probable cause to believe that the defendant named in this probable cause statement committed the offence on 05/02/2008 - in violation of Title 18, United States Code, Section 1544: Misuse of a passport - when he knowingly and willfully used the passport belonging to another, Gaspar Emiliano Muriel., knowing that it was not issued or designed for his use.  
EXECUTED ON THIS 3<sup>rd</sup> DAY OF MAY 2008, AT THE SAN YSIDRO PORT OF ENTRY.

  
Bruce A. Palombo Jr. / Diplomatic Security Service

  
MAGISTRATE JUDGE

  
DATE / TIME